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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,329	02/17/2004	Jeff Grady	4185-101-CIP2	1103

23448 7590 03/19/2007
INTELLECTUAL PROPERTY / TECHNOLOGY LAW
PO BOX 14329
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

VO, NGUYEN THANH

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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03/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/780,329	Applicant(s) GRADY, JEFF	
	Examiner Nguyen T. Vo	Art Unit 2618	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: 1, 3-6, 8, 9, 11, 14-22, 24, 27 and 29-51.
Claim(s) objected to: _____.
Claim(s) rejected: 10, 23, 52-68.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments filed 2/12/2007 have been fully considered but they are not persuasive.

Regarding the Drawing Objections:

The amended drawings now:

(i) show a frequency indicator or display element 19 located in the modular docking unit which is supported by the original specification (original claim 12).

(ii) merely label the original raised cylindrical knobs as 17A and 17B, which does not raise issue of new matter.

For the above reasons, the examiner agrees with applicant that the amended drawings do not raise issue of new matter. The amended drawing are now acceptable.

Regarding the amendment to the specification filed on 2/12/2007:

The newly-added limitation "Further provided are control elements 17A, 17B, of which one control element may be employed for frequency tuning control" contains new matter. **The original specification does not disclose that one of the raised cylindrical knobs (now labeled 17A and 17B) is for frequency tuning control.** In addition, the original specification discloses that the frequency tuning control element is located in the modular docking unit (see original claim 13). Since the raised cylindrical knobs (now labeled 17A and 17B) are located outside of the modular docking unit (see figure 1), they are clearly not for the frequency tuning control.

Regarding proposed amendment to claims 52-68:

Independent claim 52 is proposed to add new limitation "adapted to receive

audio-containing radio signals from radio stations, the FM receiver" which raises new issues that would require further consideration and/or search. Accordingly, the proposed amendment to claims 52-68 will not be entered.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T. Vo whose telephone number is (571) 272-7901. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nguyen Vo



3-4-2007

NGUYEN T. VO
PRIMARY EXAMINER



AUDIO PLAYER ASSEMBLY COMPRISING AN MP3 PLAYER
Applicant: Jeff Grady. Serial No. 10/780,329 Attorney Docket: 4185-101 CIP2
REPLACEMENT SHEET

1 / 3

approved
nvd
3/4/2007

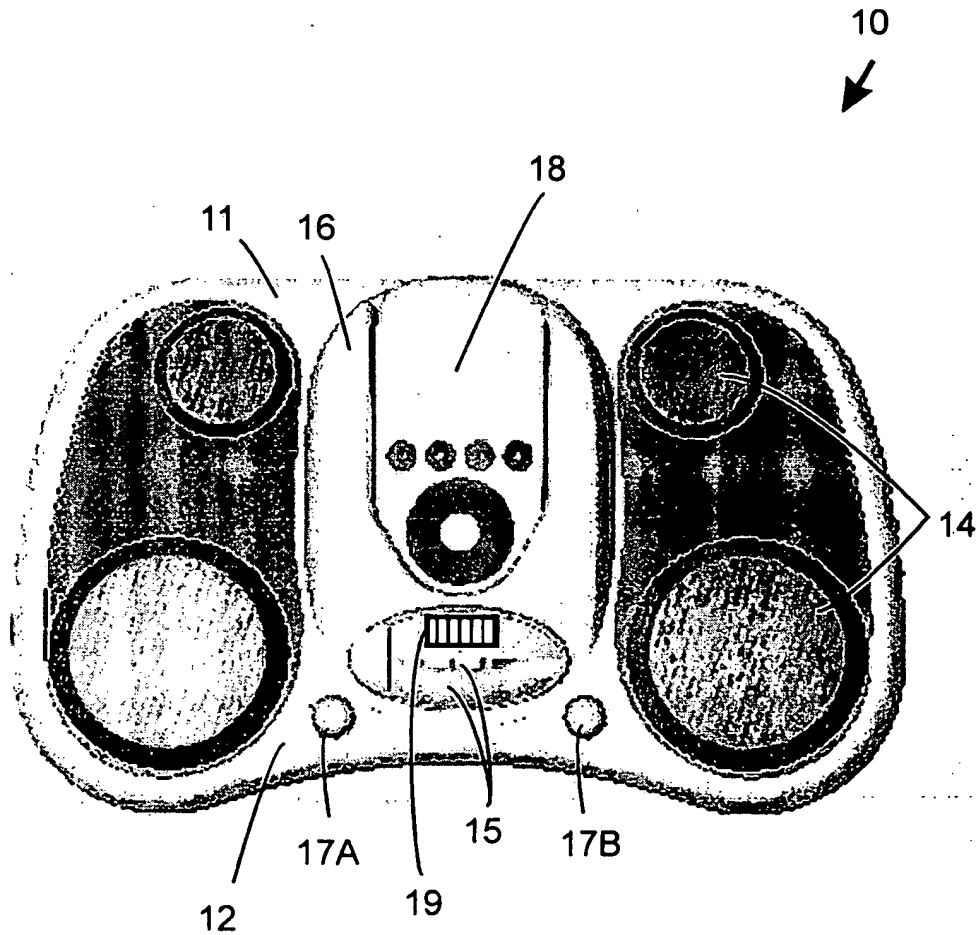


Figure 1

AUDIO PLAYER ASSEMBLY COMPRISING AN MP3 PLAYER
Applicant: Jeff Grady. Serial No. 10/780,329 Attorney Docket: 4185-101 CIP2
REPLACEMENT SHEET

2 / 3

Approved
mvo
3/4/2007

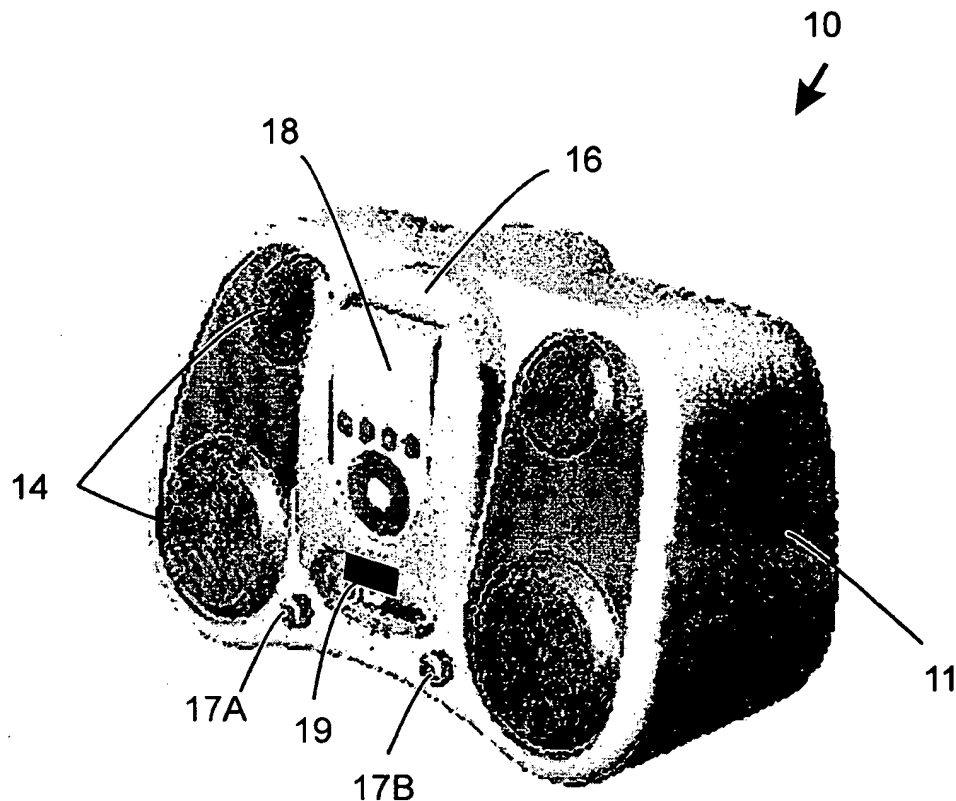


Figure 2

AUDIO PLAYER ASSEMBLY COMPRISING AN MP3 PLAYER
Applicant: Jeff Grady. Serial No. 10/780,329 Attorney Docket: 4185-101 CIP2
REPLACEMENT SHEET

3 / 3

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nVo
3/4/2007

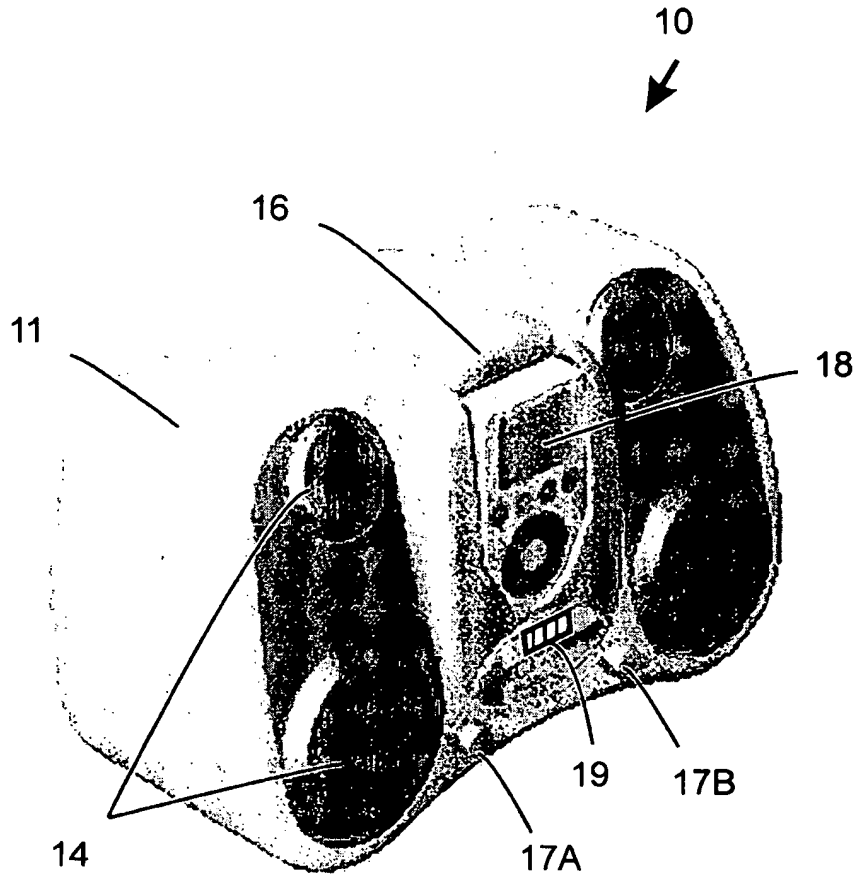


Figure 3